

1 **STIP**

2 **GABRIEL L. GRASSO, ESQ.**
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8 **Attorney for DALE**

9
10 **UNITED STATES DISTRICT COURT**

11
12 **IN AND FOR THE DISTRICT OF NEVADA**

13 **UNITED STATES OF AMERICA,**)
14 **Plaintiff,**)
15 **vs.**)
16 **HEATHER DALE,**)
17 **Defendant.**)
18 _____

19 **Case No.: 2:12-cr-00083-APG-GWF**
20 **STIPULATION TO CONTINUE**
21 **SENTENCING DATE**
22 **(THIRD REQUEST)**

23 *Certification:* This stipulation is filed pursuant to General Order 2007-04.

24 IT IS HEREBY STIPULATED AND AGREED, by and between the defendant
25 HEATHER DALE (DALE) through her attorney GABRIEL L. GRASSO, ESQ., and the
26 plaintiff, the United States of America, through KIMBERLY M. FRAYN and ANDREW
27 DUNCAN, Assistant United States Attorneys, that the sentencing hearing currently
28 scheduled for September 10, 2014, at 1:30 p.m., be vacated and continued to a date and
time convenient to this court, but no event earlier than 60 days.

29 This Stipulation is entered into pursuant to General Order 2007-04 and based
30 upon the following:

31 1. Defendant is currently set for sentencing on Wednesday, September 10,
32 2014 for the above captioned case.

33 2. Defendant is also currently set for a sentencing on October 27, 2014, in
34 case 4:13-cr-00129 in the Southern District of Texas.

35 3. Defendant currently resides in the state of Alabama. Therefore, travel
36 arrangements are needed to attend the sentencing in Texas and in
37 Nevada.

1 4. Defendant's grandfather is elderly and his health is deteriorating.
2 Defendant wishes to spend the Thanksgiving holiday with her grandfather
3 before she goes to prison.
4 5. Defendant asks for this court's leniency in continuing the sentencing
5 hearing to sometime after the Thanksgiving Holiday so she may make
6 travel arrangements within her financial capacity and spend the holiday
7 with her grandfather.
8 6. The additional time requested by this stipulation is excludable in
9 computing the time within which the trial herein must commence pursuant
10 to the Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(A), considering the factors
11 under 18 U.S.C. § 3161(h)(8)(B)(i) and (iv).
12 7. This is the third request for a continuance of the sentencing date in this
13 case.

14 DATED this 28th day of August, 2014.

15 RESPECTFULLY SUBMITTED BY:

16 _____
17 /s/ *Kimberly M. Frayn*
18 KIMBERLY M. FRAYN
19 Assistant United States Attorney

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17 /s/ *Gabriel L. Grasso*
18 GABRIEL L. GRASSO
19 Attorney for DALE

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18 /s/ *Andrew W. Duncan*
19 ANDREW W. DUNCAN
20 Assistant United States Attorney

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**UNITED STATES DISTRICT COURT
IN AND FOR THE DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Case No.: 2:12-cr-00083-APG-GWF

HEATHER DALE,

STIPULATION TO CONTINUE SENTENCING DATE

Defendant.

(THIRD REQUEST)

FINDINGS OF FACT

Based upon the submitted Stipulation, and good cause appearing therefore, the Court finds that:

1. The Defendant will need to arrange travel to attend both the Texas and the Nevada sentencing hearings.
2. The Defendant is seeking to spend the Thanksgiving Holiday with family before having to possibly surrender into Bureau of Prisons custody.
2. This stipulation complies with General Order 2007-04.

CONCLUSIONS OF LAW

1. Failure to grant the requested continuance would be a miscarriage of justice.
2. The additional time requested by the stipulation, is excludable in computing the time within which the trial herein must commence pursuant to the Speedy Trial Act, 18 U.S.C. § 3161(h)(8)(A), considering the factors under 18 U.S.C. § 3161(h)(8)(B)(i) and (iv).

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**UNITED STATES DISTRICT COURT
IN AND FOR THE DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

HEATHER DALE,

Defendant.

Case No.: 2:12-cr-00083-APG-GWF

ORDER CONTINUING SENTENCING HEARING

Based upon the stipulation of counsel, and with good cause appearing;

IT IS ORDERED that the sentencing hearing currently scheduled for September

10, 2014, at 1:30 p.m., be vacated and continued to December 10, 2014 at 10:00 a.m.,

Courtroom 6C.

Courtroom 6C.

Courtroom 6C.

Courtroom 6C.

Courtroom 6C.

Courtroom 6C.

DATED: August 29, 2014


UNITED STATES DISTRICT JUDGE